



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2206112

Applicant Name: Gay Westmoreland

Address of Proposal: 2512 NE 65th St.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into six (6) lots (unit subdivision). Proposed lot sizes are: A) 1,418 square feet, B) 937 square feet, C) 937 square feet, D) 937 square feet, E) 937 square feet; and F) 1,858 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related project: establish use as and construct three (3) duplex townhouses, and occupy per plans, all under MUP No. 2205805.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into six lots as a unit subdivision. (Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION:

☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

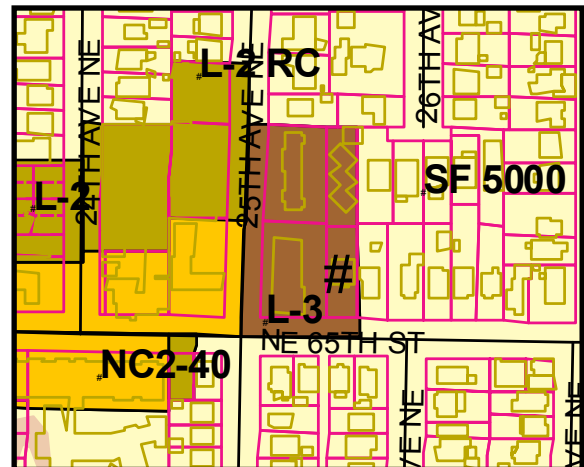
☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The approximately 7,250 square foot property is located between 25th Ave NE and 26th Ave NE in the Wedgewood area of north Seattle. Access to the site is via NE 65th St., which is paved and improved with concrete curbs, gutters, planter strips and sidewalks on both sides of the street. There are currently three (3) duplex townhouses planned for construction on the site. The parcel is not located in any identified or designated Environmentally Critical Area.

The subject property and surrounding lots are zoned Multi-family Lowrise, Neighborhood Commercial and Single-family 5000; (L-2 RC), (L-3), (NC2-40) and (SF 5000). Development in the area consists of one and two-story single-family dwellings, small multi-family structures, and small commercial development consistent with the zoning.



Proposal Description

The proposal is to subdivide one parcel into six (6) unit subdivision lots with vehicle access from a street abutting the front of the property. Vehicle access to the proposed lots and future dwelling units will be via an existing eleven (11) foot wide ingress, egress and utility easement, which gives access to the garages within each unit. Three (3) duplex townhouses are currently being constructed on site. Each unit will have parking within the structure. Proposed lot sizes are as indicated in the summary above. All lots have pedestrian access to NE 65th St. via the eleven (11) foot easement mentioned above.

Note that the construction of the proposed duplex townhouses have been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit (MUP No. 2205805). The subject of this analysis and decision is only the proposed division of land.

Public Comments

The comment period for this proposal ended on January 8th, 2003. During the public comment period, DCLU received one written comment related to this project. The comments were related to concerns about privacy, building height, and screening from the proposed project.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family residential use. The allowable density of the subject property is one unit per 800 square feet of lot area. Given a lot area of approximately 7,250 square feet, nine (9) units are allowed and six (6) are proposed. Maximum lot coverage is 50%. Front setbacks are an average of the neighboring adjacent lots, the maximum required setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side yard setback is five (5) feet; the actual required setback is based on the height of the structure adjacent to the side property line. The provision 23.86.012 (A.1c) was used for front setback averaging along the street facing façade. Rear yard setback is twenty-five (25) feet or fifteen (15) percent of the lot depth, in no case less than fifteen (15) feet. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. The lots are provided vehicular access via an eleven (11) foot wide ingress, egress and utility easement along the westerly portion of the subject property, consistent with the requirements of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on December 18, 2002. There is an eighteen-inch (18") public combined sewer (PS) located in NE 65th St, which serves the site. There is a twenty (20") inch water main located in NE 65th St., which serves the site. Plan review requirements were made at the time of building permit review.
4. The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. An area for address signage shall be provided such that addresses for all units are visible from NE 65th St. and an easement or a covenant shall be recorded with the final plat to ensure that the address signage is maintained. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. The survey indicates that there are two (2) trees on the site, however one of the trees is located within or near to the footprint of the proposed buildings and will be removed. The second tree will not fit in with the proposed trees required by SMC 23.45.015-C of the Land Use Code. Neither of the trees are significant or exceptional, pursuant to Director's Rule 6-2001. Thus, the provision requiring that the subdivision be designed to maximize the retention of existing trees is not applicable.
7. The applicant proposes the construction of multi-family residences on the subject site. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to non-conformities; the following statement shall be required to be included as a note on the

final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under Master Use Permit Number (MUP No. 2205805). These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B, C, D, E, and F are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise 3 zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards of the set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have the building permit, MUP 2205805, finalized before mylars are recorded.

2. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
3. Submit the final recording forms for approval and any necessary fees.
4. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision. Have the final recording documents show the existing ingress egress easement, and detail in the legal description where these easement are located.
5. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
6. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.
7. Provide an area to allow for the posting of address signage for unit lots B, C, D, E and F at a location visible from NE 65th St. and provide a covenant and/or an easement to ensure that address signage can be maintained.

Signature: (signature on file) Date: July 10, 2003

Lucas DeHerrera, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services